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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,543	11/26/2003	Toshitaka Hasegawa	1095.1291	5700
21171	7590	07/14/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ROBINSON, GRETA LEE	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,543

Applicant(s)

HASEGAWA ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending in the present application.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3 and 6 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: steps taken by the system if the retrieved log records *do not* match the search conditions specified by the second client.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4, 5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1.

Regarding claim 1, **Kihl et al.** teaches a program product that helps service processors receive instructions from an operator [note: relay server system for use in an on-line banking system col. 1 line 55 through col. 2 line 10], the program product causing a computer system to perform a process comprising the steps of:

(a) storing an inquiry to the operator in an inquiry buffer, upon issuance thereof from a service process [note: in the inquiry message generating process, the inquiry message generation block 41 initializes an inquiry buffer, e.g., the temporal storage block 43 col. 6 lines 35-52; Figure 4 (43) TEMPORAL STORAGE BLOCK (i.e. inquiry buffer)];

(b) retrieving the inquiry pending in the inquiry buffer and sending the retrieved inquiry to the first client over the network, in response to a first delivery request from a

first client [note: abstract “request processing unit for analyzing input request message to generate a corresponding handling process based on the analyzed request type”; REQUEST PROCESSING UNIT (22) Figure 2; also see col. 4 lines 28-33];

(c) forwarding a reply received from the first client to the service process, as well as storing the received reply and corresponding inquiry as a log record in a log memory [note: col. 2 lines 36-43; col. 7 lines 4-18 response message analyzer 47 analyzes the response message name ... field data designated as save on the process control information is stored in temporal storage block 43, and then the extracted response data is relayed to the response format conversion block].

Although Kihl et al teaches the invention substantially as cited above they do not explicitly teach retrieving and sending log records. Lomet et al. teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client [note: abstract; Figures 2-4 and 7]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Lomet et al. with Kihl et al. because logging records would provide a means of backup if the system were to crash.

7. Regarding claims 4, 5 and 7-13:

(claims 4 and 5) “the second delivery request form the second client requests delivery of a message log record ... reply log record” [note: Kihl et al. teaches a request processing unit 22 for handling process and session management 23 col. 4 line25 through col. 5 line 7].

(claim 7) wherein the inquiries sent at said inquiry sending step (b) include a list of possible answers [note: Kihl et al., Figure 4 (47) and (46); col. 7 lines 27-32].

(Claim 8) wherein said inquiry sending step (b) consults the log memory before sending the pending inquiry [note: Lomet, teaches during request/reply interactions capturing or recording the information in a log buffer and committing the reply record to a stable log before the reply is sent back to the client abstract; Figures 3-4 and 7].

(Claims 9-11) notifying the service process of cancellation [note: Kihl et al. *Session End Time* Figure 6 step 209 Terminate Process and 208 Initialize Timer; also note Lomet, Figure 8 step 142 Notice of Application Termination].

(Claims 12 and 13) further comprising the step of dispatching a command upon receipt of the reply to the pending inquiry [note: Kihl et al. Figure 7 step (311); col. 6 lines 5-16].

8. The limitations of claims 14-17 parallel claim 1; therefore they are rejected under the same rationale.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kihl et al. US Patent 6,222,536 B1 in view of Lomet et al. US Patent 6,182,086 B1 and Nakagawa et al. US Patent 5,835,911.

Although Kihl et al. and Lomet et al. teach the invention substantially as cited above, they do not explicitly disclose first and second clients are implemented on a single computer platform. However Nakagawa et al. teaches a network over which

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inquiries may be transmitted that may be configured or implemented various ways [see: Figure 5 step (S12); col. 23 lines 42-49; col. 25 lines 29-32 various settings can be easily and properly be defined for respective users; col. 58 lines 39-43 various ways of operation]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Nakagawa et al. with the cited references because Nakagawa et al. further shows how inquiry interaction within the network may be customized for certain users within the network.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meubus et al. US Patent 6,185,565 B1

Botts et al. US Patent 6,415,290 B1

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
July 6, 2006